

Via Facsimile to (703) 746-3588
March 4, 2004

Law Offices of Natan Epstein
Docket No. Q858-E
Serial No. 09/664,085

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bennett, John E. and Bradley, Willis C.

Serial No. 09/664,085

Filed: September 18, 2000

Title: Adjustable Hinges for Orthopedic Splints

Patent Examiner: Hutton, Jr., William D.

Group Art Unit: 3676

INFORMAL SUBMISSION FOR PURPOSES OF DISCUSSION

SUPPLEMENTAL AMENDMENT AFTER FINAL ACTION

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**Mail Stop Non-Fee Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

Sir:

This communication is supplemental to the Amendment After Final Action filed 2/12/04.

Claims 1 through 54 are pending in the application. By this Supplemental Amendment Claim 40 has been cancelled and new Claim 55 has been added.

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With reference to the telephone communications of today and of 3/1/04 between the Examiner and the undersigned, submitted herewith is a Corrected Listing of the Amended Claims After Final Action. The Claims have been corrected for certain errors which were inadvertently introduced in the listing submitted with the previous Amendment After Final Action. The corrected claims are Claims 6, 18, 26, 29, and 52. Claim 40 was altered in the listing submitted with the Amendment After Final with no indication that the claim was being amended. This omission was unintentional and without intent to deceive. The errors in the prior claim listing are regretted.

Claim 40 has now been cancelled and new Claim 55 substituted therefor. Claims previously dependent on Claim 40 have been amended to depend on new Claim 55.

In the telephone conference of 3/1/04 the Examiner indicated that claim 40 as pending prior to the Amendment After Final Action would have been allowable. New Claim 55 differs from that claim 40 primarily in that the wheels for limiting pivotal movement to a selected pivotal arc have been deleted from the application. This change broadens the coverage of new Claim 55 to encompass two types of orthopedic hinge disclosed in the application: one type shown in Fig.s 1-5 which has no rotatable wheels a second type shown in Fig.s 6-9 which has a pair of rotatable wheels 50a,50b. In the first type the hinge can be set to a desired angle but cannot pivot away from that angle. The angle is set by engaging the spring driven detent 30 with toothed edge 40. In the second type the hinge can be set to pivot through an angular arc. The arc is set by engaging the spring driven detent 30 with the toothed edges 52a, 52b of the wheels 50a, 50b. In both cases the operation of the spring urged detent is similar. The use of wheels 50a, 50b in themselves is not new to this applicant. This applicant claims as new the provision of a spring driven detent supported on one plate of the hinge and displaceable into and out of an engaged condition thereby to lock the two plates of the hinge against pivotal movement in a selected angular relationship relative to each other. The pivotal relationship may include a fixed angle as in the first type of hinge or a selected pivotal arc as in the second type of hinge. For this reason it is submitted that new claim 55 is allowable if cancelled claim 40 would have been allowable, and such action is respectfully solicited.

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Review and reconsideration of the application in light of the foregoing remarks and accompanying amendment is respectfully requested. All claims remaining in the application are now believed to be in condition for immediate allowance and such action is earnestly requested.

Respectfully submitted,



Dated: March 4, 2004

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